

HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 226

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

AN ACT

RELATING TO THE PERFORMING ARTS; CREATING THE AFRICAN-AMERICAN  
PERFORMING ARTS CENTER AUTHORITY; PROVIDING DUTIES; CREATING A  
FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"African-American Performing Arts Center Authority Act".

Section 2. DEFINITIONS.--As used in the African-American  
Performing Arts Center Authority Act:

A. "authority" means the African-American  
performing arts center authority; and

B. "director" means the director of the authority.

Section 3. AUTHORITY--CREATED--MEMBERSHIP.--

A. The "African-American performing arts center  
authority" is created, consisting of nine members as follows:

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underscored material = new  
[bracketed material] = delete

1 (1) three members representing the African-  
2 American performing arts center foundation, appointed by the  
3 board of directors of the foundation;

4 (2) one member representing each of the three  
5 occupants of the African-American performing arts center and  
6 exhibit hall, appointed by the appropriate governing board; and

7 (3) three members appointed for staggered  
8 four-year terms by the governor.

9 B. The authority shall elect a chair and such other  
10 officers as it deems necessary to carry out its duties.

11 C. A majority of the appointed members of the  
12 authority shall constitute a quorum for the transaction of  
13 business of the authority.

14 D. Members of the authority shall receive per diem  
15 and mileage as provided for nonsalaried public officers in the  
16 Per Diem and Mileage Act and shall receive no other  
17 compensation, perquisite or allowance.

18 Section 4. ADMINISTRATIVELY ATTACHED AGENCY.--The  
19 authority is administratively attached through the state fair  
20 commission to the tourism department.

21 Section 5. DUTIES OF AUTHORITY.--The authority shall:

22 A. meet at the call of the chair, but not less than  
23 quarterly;

24 B. hire a director who shall serve as the  
25 administrative officer of the authority. The director shall

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1 employ such other staff as necessary to carry out the duties of  
2 the authority. The director and staff of the authority shall  
3 be exempt from the provisions of the Personnel Act;

4 C. create and implement policies and procedures  
5 consistent with those of the African-American performing arts  
6 center foundation;

7 D. in conjunction with the African-American  
8 performing arts center foundation, coordinate all activities,  
9 have the exclusive direction and control and be responsible for  
10 all aspects of the administration of the African-American  
11 performing arts center and exhibit hall;

12 E. administer the African-American performing arts  
13 center and exhibit hall:

14 (1) in a manner that will help educate the  
15 public about the history and contributions of African-Americans  
16 in New Mexico;

17 (2) as a place where people of all ages  
18 throughout the state can visit, study, work, perform and  
19 celebrate the contributions and significance of African-  
20 Americans in New Mexico;

21 (3) so that New Mexicans will be able to link  
22 their future with their past through literature, fine art,  
23 modern dance and music, storytelling, poetry and prose,  
24 painting, sculpture, movement and song;

25 (4) in coordination with other culturally

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1 unique facilities that celebrate New Mexico's rich and diverse  
2 heritage;

3 (5) as a place to house permanent and  
4 traveling art exhibits, as well as to provide public education  
5 programs on the history, culture and arts of people of African  
6 descent; and

7 (6) with a mission of educating, through  
8 exhibits, performances and community outreach, New Mexicans of  
9 all ages, cultures and ethnic groups about the rich history,  
10 heritage, culture and arts of the African-American community;

11 F. charge such fees as it deems reasonable for use  
12 of the African-American performing arts center and exhibit  
13 hall; admission to performances, events and exhibits; and  
14 concessions. All money collected by the authority shall be  
15 deposited in the African-American performing arts center fund  
16 and may be expended pursuant to Section 6 of the African-  
17 American Performing Arts Center Authority Act;

18 G. negotiate a long-term lease with the state fair  
19 commission for the occupancy and use of the building in which  
20 the African-American performing arts center and exhibit hall is  
21 located. The lease shall provide that the state fair  
22 commission shall continue to provide those services, including  
23 free access and available and free parking for events,  
24 security, maintenance, trash collection, utilities and  
25 technical services that were provided prior to the effective

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1 date of the African-American Performing Arts Center Authority  
2 Act; and

3 H. negotiate subleases with the tenants of the  
4 building in which the African-American performing arts center  
5 and exhibit hall is located. All rents collected by the  
6 authority pursuant to the subleases shall be deposited in the  
7 African-American performing arts center fund and may be  
8 expended pursuant to Section 6 of the African-American  
9 Performing Arts Center Authority Act.

10 Section 6. AFRICAN-AMERICAN PERFORMING ARTS CENTER  
11 FUND.--The "African-American performing arts center fund" is  
12 created in the state treasury. The fund shall consist of  
13 transfers, appropriations, gifts, grants, donations and  
14 bequests made to the fund and deposits into the fund of fees,  
15 rents and other revenue received by the authority pursuant to  
16 the African-American Performing Arts Center Authority Act.  
17 Income from the fund shall be credited to the fund, and money  
18 in the fund shall not revert or be transferred to any other  
19 fund at the end of a fiscal year. Money in the fund is  
20 appropriated to the authority for the purposes of carrying out  
21 the provisions of the African-American Performing Arts Center  
22 Authority Act. Expenditures from the fund shall be made on  
23 warrant of the secretary of finance and administration pursuant  
24 to vouchers signed by the director.

25 Section 7. TEMPORARY PROVISION--TRANSFER.--On the

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1 effective date of this act:

2 A. all non-capital-outlay appropriations and money  
3 of the state fair commission that are directly related to the  
4 African-American performing arts center and exhibit hall shall  
5 be transferred to the African-American performing arts center  
6 fund;

7 B. all capital outlay appropriations, personnel,  
8 records, equipment, supplies and other property of the state  
9 fair commission that are directly related to the African-  
10 American performing arts center and exhibit hall shall be  
11 transferred to the African-American performing arts center  
12 authority; and

13 C. all contracts of the state fair commission that  
14 are directly related to the African-American performing arts  
15 center and exhibit hall shall be binding on the African-  
16 American performing arts center authority.

17 Section 8. APPROPRIATION.--Four hundred fifty thousand  
18 dollars (\$450,000) is appropriated from the general fund to the  
19 African-American performing arts center fund for expenditure in  
20 fiscal year 2009 and subsequent fiscal years for the purpose of  
21 carrying out the provisions of the African-American Performing  
22 Arts Center Authority Act. Any unexpended or unencumbered  
23 balance remaining at the end of a fiscal year shall not revert  
24 to the general fund.